

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:18-00104

DEVIN ALLEN WOLFE

O R D E R

On the 9th day of July, 2018, the United States of America appeared by Emily J. Wasserman, Assistant United States Attorney, and the defendant appeared in person and by Tim C. Carrico, his counsel.

Counsel for the United States presented to the court the plea agreement between the United States and the defendant, which plea agreement is ORDERED filed.

The defendant informed the court that he wished to withdraw his plea of NOT GUILTY to count two of the three-count indictment in this action and enter the plea of guilty to that count. After the court explained to him the charge contained in count two, the defendant withdrew his plea of NOT GUILTY and entered the plea of GUILTY as charged in count two.

Before accepting the plea, the court personally addressed the defendant pursuant to Rule 11, Federal Rules of Criminal Procedure, and informed the defendant of the nature of the charge contained in count two, the elements of the offense and the rights to which the defendant is entitled.

The court being satisfied from the admissions of the defendant that a factual basis exists for the plea, and further that the plea was made voluntarily and that the defendant understands the nature of the charge, the elements of the offense, the mandatory minimum penalty and the maximum possible penalty provided by law for the offense to which the plea is offered, and the terms of and waivers in the plea agreement, the written plea of guilty executed by the defendant in the presence of the court is ORDERED filed.

The court deferred accepting the plea and the plea agreement until the court has considered the presentence report.

It is ORDERED that the Probation Department of this court shall conduct a presentence investigation of the defendant and disclose the presentence report to the defendant and to counsel by August 29, 2018; counsel shall communicate to the Probation Department by September 12, 2018, any objections to

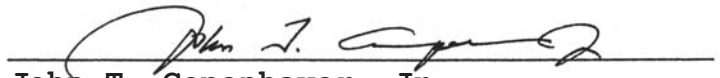
the presentence report; the presentence report, together with an addendum setting forth any unresolved objections, shall be submitted to the court by September 26, 2018; and the defendant shall appear before the court for sentencing at 1:30 p.m. on October 10, 2018. Unless otherwise ordered, the probation officer is directed not to disclose the probation officer's sentencing recommendation except to the court.

It is ORDERED that the government and the defendant may file a sentencing memorandum addressing the sentencing factors set forth in 18 U.S.C. § 3553(a) on or before October 3, 2018.

The defendant was remanded to the custody of the United States Marshal pending sentence.

The Clerk is directed to forward copies of this order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: July 10, 2018


John T. Copenhaver, Jr.
United States District Judge